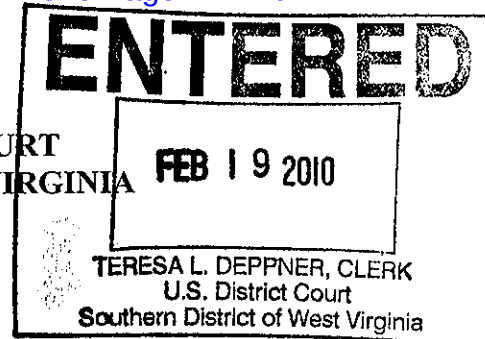


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

BECKLEY DIVISION



UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 5:08-cr-00266-01

BARRY MARCEL VAUGHN,

Defendant.

ORDER

From February 18 to February 19, 2010, the Court held a jury trial in this matter. The jury returned the *Verdict* which is **ORDERED** filed.

Based on the jury's verdict, the Court **ADJUDGES** the Defendant, Barry Marcel Vaughn, **GUILTY**, and he now stands convicted of knowingly and intentionally distributing a quantity of oxycodone, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1), as charged in Count Two of the Superseding Indictment.

Pursuant to U.S.S.G. § 6A1 et seq., and subject to any post-trial motions, it is hereby **ORDERED** as follows:

1) The Court **ORDERS** that the Probation Office prepare and forward a draft presentence report to the United States and counsel for the Defendant no later than **May 3, 2010**; that the United States Attorney and counsel for the Defendant file objections to the draft presentence report no later than **May 17, 2010**; that the Probation Office submit a final presentence report to the

Court no later than **June 2, 2010**; and that the United States and counsel for the Defendant file a sentencing memorandum no later than **June 9, 2010**.

2) Pursuant to United States v. Booker, 543 U.S. 220 (2005) and United States v. Hughes, 401 F.3d 540 (4th Cir. 2005), the Government and the Defendant are hereby **ORDERED** to file a Sentencing Memorandum addressing the sentencing factors set forth in 18 U.S.C. § 3553(a) as may pertain to this case. The Sentencing Memorandum may also address such other matters not previously addressed in the form of motions or objections to the Presentence Report and may include argument as to the appropriate sentence to be imposed. Sentencing Memoranda shall be no more than five (5) pages in length.

3) The Court **SCHEDULES** final disposition of this matter for **June 16, 2010, at 1:30 p.m.**

4) The Court **DIRECTS** the United States to submit to the Court, to the probation officer and to counsel for the Defendant no more than fourteen (14) days after entry of this *Order* a chart detailing the Defendant's **offense conduct**. Insofar as possible, the chart must specify the dates, times, and places of the offense conduct; the amounts of money and/or the weights of the drugs; an explanation of whether the amounts and/or weights are estimates or actual measurements; the names of all participants and witnesses; the sources of the United States' information; and the types of evidence (i.e., tape recordings, testimony under oath, debriefing statements) obtained from those sources.

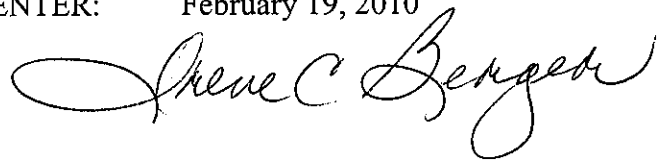
5) The Court **DIRECTS** the United States to submit to the Court, to the probation officer and to counsel for the Defendant no more than fourteen (14) days after the entry of this *Order* a chart detailing the Defendant's **relevant conduct**. Insofar as possible, the chart must specify the

dates, times, and places of the offense conduct; the amounts of money and/or the weights of the drugs; an explanation of whether the amounts and/or weights are estimates or actual measurements; the names of all participants and witnesses; the sources of the United States' information; the types of evidence (i.e., tape recordings, testimony under oath, debriefing statements) obtained from those sources; and an explanation about why the conduct is relevant. If the Defendant files any objection to relevant conduct attributed to him in the draft presentence report, the Court **DIRECTS** the parties to confer and attempt to resolve any objection. The Court **DIRECTS** the parties to report their conclusions to the probation officer. Throughout this process, the Court **DIRECTS** the parties to be candid and forthright and to provide complete information to the probation officer.

The Court **ORDERS** the Defendant detained pending sentencing. The Court **DIRECTS** that the Defendant be committed to the custody of the United States Marshal for confinement. The Court further **DIRECTS** that the Defendant be afforded reasonable opportunity for private consultation with counsel. Finally, the Court **DIRECTS** that, on order of a Court of the United States or on request of an attorney for the United States, the person in charge of the correction facility in which the Defendant is confined deliver the Defendant for the purpose of an appearance in connection with court proceedings.

The Court **DIRECTS** the Clerk to send a copy of this Order to the Defendant and counsel, to the United States Attorney, to the United States Probation Office, and to the United States Marshal.

ENTER: February 19, 2010

A handwritten signature in black ink, appearing to read "Shene C. Berger". The signature is fluid and cursive, with a large loop at the end.